

Practitioner's Docket No.

1540/139

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Prokai, et al.

Application No.: 09/893,324

Group No.: 1616

Filed: June 27, 2001

Examiner: Sabiha Naim Qazi

For: ALKYL ETHER MODIFIED POLYCYCLIC COMPOUNDS HAVING A TERMINAL PHENOL AND USES
FOR THE PROTECTION OF CELLS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

ATTENTION: GROUP DIRECTOR

TRANSMITTAL OF SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT AFTER
MAILING DATE OF FINAL ACTION, NOTICE OF ALLOWANCE
OR ACTION THAT CLOSSES PROSECUTION BUT BEFORE
PAYMENT OF ISSUE FEE (37 C.F.R. § 1.97(d))

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using *Express Mail*, the *Express Mail* label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. § 1.8(a)

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37 C.F.R. § 1.10*

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TRANSMISSION

G facsimile transmitted to the Patent and Trademark Office, (703) _____

11/25/2003 SSANDARA 00000037 09893324

01 FC:1806

Date: November 19, 2003

180.00 OP

Signature

Barbara J. Carter, Ph.D.

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

Transmittal of Information Disclosure Statement After Mailing Date of Final Action, Notice of Allowance or Action that Closes Prosecution But Before Payment of Issue Fee (37 C.F.R. § 1.97(d))--page 1 of 2



**TIME OF TRANSMITTAL OF ACCOMPANYING
SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

RECEIVED
DEC 01 2003
TECH CENTER

1. The information disclosure statement transmitted herewith is being filed *after* a final action under § 1.113, or a notice of allowance under § 1.311, whichever occurs first, but before, simultaneously with, the payment of the issue fee.

STATEMENT AND FEE

2. In accordance with the requirements of 37 C.F.R. § 1.97(d):
- A. Accompanying this transmittal is a statement, as specified in 37 C.F.R. § 1.97(e).
 - B. Applicant submits the fee set forth in § 1.17(p) (\$180.00).

FEE DUE

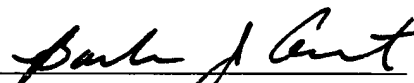
3. Fee due (§ 1.17(p)): \$180.00

METHOD OF PAYMENT OF FEE

4. Attached is a check in the amount of \$180.00.

A duplicate of this paper is attached.

Date: November 19, 2003


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01540/00139 280646.1

Practitioner's Docket No.

1540/139

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent application

of

Inventor(s)

for

Title of invention

the specification of which is being transmitted herewith

OR

In re application of: Prokai, et al.

Application No.: 09/893,324

Group No.: 1616

Filed: June 27, 2001

Examiner: Sabiha Naim Qazi

For: ALKYL ETHER MODIFIED POLYCYCLIC COMPOUNDS HAVING A TERMINAL PHENOL AND USES
FOR THE PROTECTION OF CELLS

Commissioner for Patents

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(Information Disclosure Statement--page 1 of 6)

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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37 C.F.R. SECTION 1.8(a)

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TRANSMISSION

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature



Date: November 19, 2003

Barbara J. Carter, Ph.D.

(type or print name of person certifying)

***WARNING:** Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b).

"Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable C.F.R.e, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant:

- (1) Within three months of the filing date of a national application;
- (2) Within three months of the date of entry of the national stage as set forth in section 1.491 in an international application; or
- (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. section 1.97(b).

NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section." 37 C.F.R. section 1.56(a).

"Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) each inventor named in the application;
- (2) each attorney or agent who prepares or prosecutes the application; and
- (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. section 1.56(c).

NOTE: The "duty as described in section 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by sections 1.97(b) - (d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13-25 at 17.

WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. section 1.51(b).

List of Sections Forming Part of This Information Disclosure Statement

The following sections are being submitted for this Information Disclosure Statement:

(check sections forming a part of this statement: disC.F.R.d unused sections and number pages consecutively)

1. ☒ Preliminary Statements
2. ☒ Forms PTO/SB/08A and 08B (substitute for Form PTO-1449)
3. ☐ Statement as to Information Not Found in Patents or Publications
4. ☐ Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted
5. ☐ Cumulative Patents or Publications
6. ☒ Copies of Listed Information Items Accompanying This Statement
7. ☐ Concise Explanation of Non-English Language Listed Information Items
 - 7A. ☐ JEPO Search Report
 - 7B. ☐ English Language Version of EPO Search Report
8. ☐ Translation(s) of Non-English Language Documents
9. ☐ Concise Explanation of English Language Listed Information Items (Optional)
10. ☒ Identification of Person(s) Making This Information Disclosure Statement

(complete the following, if appropriate)

Sections _____, respectively, have been continued on ADDED PAGE(S).

NOTE : "Once the minimum requirements are met, the examiner has an obligation to consider the information." Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. section 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

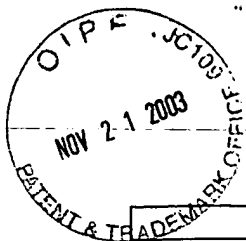
SECTION 2. FORMS PTO/SB/08A and 08B (formerly Form PTO-1449)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Prokai, et al. Attorney Docket: 1540/139
 Serial No: 09/893,324 Art Group Unit: 1616
 Date Filed: June 27, 2001 Examiner Name: Qazi, Sabiha N.
 Invention: ALKYL ETHER MODIFIED POLYCYCLIC COMPOUNDS
 HAVING A TERMINAL PHENOL AND USES FOR THE
 PROTECTION OF CELLS

**LIST OF PATENTS AND PUBLICATIONS FOR
 APPLICANT'S SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT**

U.S. PATENT DOCUMENTS					
Examiner Initials	Reference Number	Document Number	Issue Date	Inventor	Class/Subclass
	AE	US 5,554,601	09/10/96	Simpkins et al.	514/182
	AF	US 5,824,672	10/20/98	Simpkins et al.	514/182
	AG	US 5,843,934	12/01/98	Simpkins	514/182
	AH	US 5,859,001	01/12/99	Simpkins et al.	514/182
	AI	US 5,877,169	03/02/99	Simpkins	514/179
	AJ	US 5,972,923	10/26/99	Simpkins et al.	514/182
	AK	US 6,172,088	01/09/01	Simpkins et al.	514/340
	AL	US 6,197,833	03/06/01	Simpkins et al.	514/730
	AM	US 6,207,658	03/27/01	Simpkins et al.	514/182
	AN	US 6,319,914	11/20/01	Simpkins et al.	514/182
	AO	US 6,326,365	12/04/01	Simpkins et al.	514/179
	AP	US 6,339,078	01/15/02	Simpkins et al.	514/179
	AQ	US 6,350,739	02/26/02	Simpkins et al.	514/182

**OTHER DOCUMENTS**

Examiner Initials	Reference Number	Author	Title of Article, Title of Journal, Volume Number, Page Numbers, Date
	AR	Simpkins, et al.	"Alkyl Ether Modified Polycyclic Compounds Having a Terminal Phenol and Uses for Protection of Cells," US published application; 20020035100, A1, March 21, 2002, pgs. 1-17.

Examiner Signature: _____

Date Considered: _____

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation *if not* in conformance and not considered. Include copy of this form with next communication to applicant.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. section 1.98(a)(2) requires that any information disclosure statement filed under section 1.97 shall include: "A legible copy of: (i) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . ."

NOTE: The wording in section 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (substitute for Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

☐ Exception(s) to above:

☐ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

☐ Cumulative patents or publications identified in Section 5.

Section 10. Identification of Person(s) Making This Information Disclosure Statement

The person making this certification is

(check each applicable item)

(a) ☐ the inventor(s) who signs below

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

(b) ☐ an individual associated with the filing and prosecution of this application (37 C.F.R. section 1.56(c))

SIGNATURE OF INVENTOR

(type name of inventor who is signing)

(c) ☒ the practitioner who signs below on the basis of the information:

(check each applicable item)

☐ supplied by the inventor(s).

☐ supplied by an individual associated with the filing and prosecution of this application. (37 C.F.R. section 1.56(c)).

☒ in the practitioner's file.

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01540/00139 279898.1


SIGNATURE OF PRACTITIONER

Barbara J. Carter, Ph.D.

(type or print name of practitioner)

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